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9 UNITED STATES MAGISTRATE COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,

No. 3 05 70548

13 Plaintiff,

14 v.

15 ROSSIE HAWKINS,

16 Defendant.

17  
18 ~~PROPOSED~~ ORDER AND  
19 STIPULATION FOR CONTINUANCE  
20 FROM AUGUST 2, 2005 TO SEPTEMBER  
21 2, 2005 AND EXCLUDING TIME FROM  
22 THE SPEEDY TRIAL ACT  
23 CALCULATION (18 U.S.C. §  
24 3161(h)(8)(A)) AND WAIVING TIME  
25 LIMITS UNDER RULE 5.1  
26  
27  
28

18 With the agreement of the parties, and with the consent of the defendant, the Court enters  
19 this order scheduling an arraignment or preliminary hearing date of September 2, 2005 at  
20 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the  
21 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time  
22 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from August 2, 2005, to September 2, 2005.

23 The parties agree, and the Court finds and holds, as follows:

- 24 1. The defendant has been released on her own recognizance.
- 25 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
26 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective  
27 preparation, taking into account the exercise of due diligence.
- 28 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.


2 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt  
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
8 the Court finds that the ends of justice served by excluding the period from August 2, 2005 to  
9 September 2, 2005, outweigh the best interest of the public and the defendant in a speedy trial. §  
10 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
12 hearing date before the duty magistrate judge on September 2, 2005, at 9:30A.M., and (2) orders  
13 that the period from August 2, 2005 to September 2, 2005 be excluded from the time period for  
14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act  
15 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: 8/5/05

  
DANIEL BLANK  
Attorney for Defendant

20  
21  
22 DATED: 8/4/05

  
ROBERT DAVID REES  
Assistant United States Attorney

23  
24  
25 IT IS SO ORDERED.

26  
27 DATED: 10 Aug 05

  
HON. BERNARD ZIMMERMAN  
United States Magistrate Judge  
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